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PROJECT NO. 51841

REVIEW OF 16 TAC § 25.53	§	BEFORE THE
RELATING TO ELECTRIC SERVICE	§	PUBLIC UTILITY COMMISSION
EMERGENCY OPERATIONS PLANS	§	OF TEXAS

**THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR'S
COMMENTS ON PROPOSED CHANGES TO 16 TAC § 25.53**

The Steering Committee of Cities Served by Oncor (OCSC) submits these Comments on Proposed Changes to 16 Tex. Admin. Code (TAC) § 25.53 to the Public Utility Commission of Texas (Commission) regarding Project No. 51841, *Review of 16 TAC § 25.53 Relating to Electric Service Emergency Operations Plans*. The Commission reviewed Commission Staff's proposal for publication at the November 30, 2021 Open Meeting.¹ The final proposal for publication (Proposal) was filed on December 1, 2021.² Commission Staff requested that comments from interested parties be filed by January 4, 2022.³ Therefore, these Comments are timely filed.

I. EXECUTIVE SUMMARY

As requested, OCSC is providing a standalone executive summary as Exhibit A to this filing.

II. COMMENTS

As a group of governmental entities and regulatory authorities, OCSC has a demonstrated interest in the accountability and emergency preparedness of the electric utilities that provide service to its member cities and of generating entities across the state. OCSC commends the Texas Legislature (Legislature) and the Commission for their efforts to improve emergency planning following Winter Storm Uri. In providing these comments, OCSC seeks to further its ultimate goal of reliable service through the promotion of transparency and productive use of valuable information, such as Emergency Operations Plans (EOPs or EOP).

¹ Proposal for Publication with Jan. 4 comment deadline (Nov. 30, 2021) (Commission Staff's Memorandum).

² Proposal for Publication of Repeal of 16 TAC § 25.53 and Replacement with Proposed New 16 TAC § 25.53, as Approved by November 30, 2021 Open Meeting (Dec. 1, 2021) (Proposal for Publication).

³ *Id.* at 4.

A. The Proposed Revisions to 16 TAC § 25.53 Are Only Beneficial if Accompanied by Concentrated Efforts to Promote Transparency.

In the aftermath of a severe weather event like Winter Storm Uri, it is more important than ever for customers to have confidence in their reliability providers. OCSC appreciates the Proposal's requirement that EOPs be posted in a publicly accessible location. This facilitates transparency and helps assure customers that their utility will be held accountable in times of emergency. Accountability is especially important with regard to communications plans. OCSC urges the Commission to make transparency a top priority in implementing the Proposal.

One of the public benefits provided in the Proposal is "improved transparency into the ability of the electric grid to withstand extreme weather events in the future."⁴ Previous EOP filings demonstrate that much of the content can be claimed as confidential, and it can be difficult to ascertain what is readily available as a tool for customers. Additionally, utilities and customers do not receive the benefit of viewing how EOPs are ultimately incorporated into the Commission's Weather Preparedness Reports.⁵ In the spirit of the transparency referenced in the Proposal, the end product for which EOPs are used should be readily available to the utility and customer communities wherever possible. At a minimum, the Commission should require an entity making a claim of confidentiality to show specifically why each component of the filing is confidential. For example, customers should be able to view how a utility intends to communicate in the event of an emergency. As much useful information as possible should be disseminated to customers, particularly regarding communications plans, and the Commission should take steps to facilitate this. In addition to alignment between utilities and customers, it is also integral for the industry to fully align with ERCOT on emergency communications. All efforts to improve transparency under 16 TAC § 25.53 should take this into account.

B. The Information Gathered from Emergency Operations Plans Should Be Used by the Commission to Create Greater Public Value.

OCSC supports the notion that value comes from the public's access to transparent information. The Proposal expands applicability, imposes more stringent requirements, mandates

⁴ Proposal for Publication at 3.

⁵ Tex. Util. Code § 186.007 requires submission of the Weather Emergency Preparedness Reports to the Lieutenant Governor, the Speaker of the House of Representatives, and the members of the Legislature.

annual filings, adds a public filing and ERCOT filing, if applicable, and gives the Commission greater discretion to request updated filings. As such, the number of utilities and other entities affected by the rule increases, as do the documentation, time, and resources required to comply. Presumably, the new rule also demands more from the Commission in its efforts to make productive use of the filings for future policymaking purposes. If the Commission is using the time and resources to compile EOPs with even more information than before, the exercise should be one that results in value added. There is no legislative history to indicate how the Proposal aligns with the goal of Section 24 of Senate Bill 3. Absent such information, OCSC encourages the Commission to commit sufficient planning and staffing resources so that the industry's preparation and filing of EOPs can be more than a collection of documents on the Commission's Interchange. The hundreds of EOPs filed by industry members that will be available to the Commission will contain a wealth of information informing future public policymaking if there are resources committed sufficient to take advantage of that information.

III. CONCLUSION

OCSC recognizes the Commission's proactive efforts to address the impacts of Winter Storm Uri and acknowledges that emergency preparedness is crucial. OCSC commends the transparency efforts detailed in the Proposal and asks the Commission to implement each step of the EOP process with an eye towards transparency, especially regarding communications plans that are directly relevant to OCSC and its member cities. Additionally, OCSC encourages the Commission to use information and data gathered from EOP filings to create the most valuable, accessible resource possible, as this will maximize benefits to all participants in the utility community, including customers.

Dated: January 4, 2022

Respectfully submitted,

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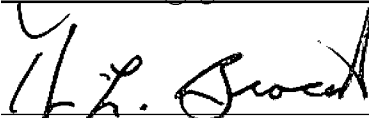
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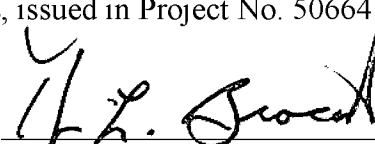
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**ATTORNEYS FOR THE STEERING
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



THOMAS L. BROCATO

Executive Summary: The Steering Committee of Cities Served by Oncor

This rulemaking project seeks to repeal and replace the current scheme for Emergency Operations Plans (EOPs or EOP) under 16 TAC § 25.53 according to direction from § 24 of Senate Bill 3 from the 87th Regular Session. EOPs have been in place under 16 TAC § 25.53 for some time, but OCSC would like to ensure the new requirements will promote transparency and will generate information that is as valuable as possible.

- OCSC recommends the Commission do the following:
 - When an entity files an EOP as confidential, the Commission should require the entity to justify why each specific component is protected. This will improve transparency and help to guarantee that customers receive as much access to utility communications plans as is practicable.
 - Compile, analyze, and implement the information and data included in EOPs to create the most valuable resource possible.
- In addition, OCSC recommends that the Commission elaborate on the following information:
 - The ultimate goal for revising the EOP rule.
 - The information that will be available in the public version of EOPs and whether redactions will have an impact on transparency.
 - Opportunities for customers and utilities to access the PUC Weather Emergency Preparedness Reports required under Tex. Util. Code § 186.007 without the need to file a public information request.
 - Time and resource constraints the proposed changes may impose.
 - How the proposed rule may impact or improve alignment with ERCOT on emergency communications.